

## Message Text

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17

ACTION DLOS-07

INFO OCT-01 AF-10 EUR-25 ISO-00 ARA-16 EA-11 NEA-14 RSC-01

CG-00 CIAE-00 DODE-00 NSAE-00 NSCE-00 SSO-00 USIE-00

INRE-00 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 CIEP-03 CEA-02 TRSE-00 OIC-04 DRC-01

PM-07 H-03 INR-11 L-03 NSC-07 PA-04 PRS-01 SP-03

SS-20 AID-20 CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14

NSF-04 SCI-06 FEA-02 /282 W  
----- 018873

O R 040820Z SEP 74

FM AMEMBISSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 8983

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY DAR ES SALAAM

AMEMBASSY LONDON

AMEMBASSY MOGADISCIO

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E.O. 11652: N/A

TAGS: PLOS

SUBJECT: PROPOSED INTERIM LEGISLATION ON DEEP SEABED MINING AND  
200-MILE FISHERIES ZONE

REF: STATE 193106, 193107

1. EMBASSY BELIEVES THAT AT MINIMUM PROPOSED U.S. DEEP  
SEABED MINING LEGISLATION, IF PASSED, WILL INTENSIFY  
LDC SUSPICIONS AND ENCOURAGE THEM TO PRESS FOR EXCLUSIVE  
EXPLOITATION OF SEABED RESOURCES BY SEABED AUTHORITY.

WHILE

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SEEKING STRONG SEABED AUTHORITY, KENYA HAS SHOWN

AT LEAST SOME FLEXIBILITY, SAYING THAT AUTHORITY SHOULD HAVE COMPREHENSIVE POWERS TO UNDERTAKE EXPLOITATION OF SEABED RESOURCES "ON ITS OWN OR IN SUCH WAYS AS IT DEEMS APPROPRIATE". THIS OPENING FOR LICENSING AND PRIVATE EXPLOITATION MAY BE LOST IN KENYAN REACTION TO UNILATERAL U.S. MOVE, WHICH WOULD DEFY UNGA MORATORIUM POSITION, SUPPORTED BY KENYA AT CARACAS, THAT "NO STATE OR PERSONS, PHYSICAL OR JURIDICAL, MAY EXPLOIT RESOURCES OF (DEEP SEABED) ARE 'LENDING ESTABLISHMENT OF INTERNATIONAL REGIME AGREED ON".

2. SIMILARLY, LEGISLATION CREATING 200-MILE U.S. FISHERIES ZONE WOULD PLAY INTO LDC POSITION FAVORING FULL COASTAL STATE JURISDICTION OVER ALL SPECIES OF FISH IN ECONOMIC ZONE, PROBABLY ELIMINATING ANY CHANCE FOR SPECIAL TREATMENT FOR HIGHLY MIGRATORY SPECIES. U.S. POSITION ON FULL UTILIZATION OF LIVING RESOURCES IN ECONOMIC ZONE, INCLUDING ACCESS BY TRADITIONAL FISHING STATES, MAY ALSO BE JEOPARDIZED.

3. NJENGA, IN AUGUST 1 SPEECH AT CARACAS, THREATENED THAT KENYA MAY RESORT TO BROAD TERRITORIAL SEA OF 200 NAUTICAL MILES TO PROTECT ITS JUSTIFIED CONCERNS OVER RESOURCES IF ECONOMIC ZONE CONCEPT UNDULY DISPUTED. UNILATERAL U.S. ACTION WOULD PROMPT SIMILAR THREAT, BUT KENYA MAY BE CONSTRAINED IN THIS REGARD BY POSITION LANDLOCKED NEIGHBOR UGANDA AND BY DESIRE CONFORM OAU POSITION, WHATEVER THAT MAY BE IN LIGHT U.S. ACTION.

4. GREATEST IMMEDIATE DAMAGE, IN EMBASSY'S VIEW, WOULD BE TO DESTROY PROGRESS MADE AT CARACAS IN ESTABLISHING GENUINE NEGOTIATING SPIRIT BY CONVINCING CRITICS OF U.S. POSITIONS THEIR SUSPICIONS WELL FOUNDED. PROSPECTS FOR 1975 GENEVA LOS MEETING WOULD BECOME GRIM INDEED IN LIGHT PROPOSED UNILATERAL U.S. MOVE WHICH

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WOULD BE INTERPRETED BY MANY LDC'S, INCLUDING KENYA, AS THREAT TO FORCE THEIR END.

MARSHALL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, SEABED, MINING, FISHERIES, LESS DEVELOPED COUNTRIES, TWO HUNDRED MILE LIMIT, GOVERNMENT REACTIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 04 SEP 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** shawdg  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
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**Film Number:** D740244-0856  
**From:** NAIROBI  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1974/newtext/t19740976/aaaacmiu.tel  
**Line Count:** 111  
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**Office:** ACTION DLOS  
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**Previous Handling Restrictions:** n/a  
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**Review Event:**  
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30 JUN 2005

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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PROPOSED INTERIM LEGISLATION ON DEEP SEABED MINING AND 200-MILE FISHERIES ZONE  
**TAGS:** PLOS, US, KE  
**To:** STATE  
**Type:** TE  
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